

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CINCINNATI INSURANCE,)	
)	
Plaintiff,)	8:04CV473
)	
v.)	
)	
RX WEST, and PHARMACEUTICAL)	ORDER OF DISMISSAL
TECHNOLOGIES,)	
)	
Defendants.)	
_____)	

The matter before the court is Filing No. 44, the parties' joint stipulation for withdrawal of motion for partial summary judgment (Filing No. 32) and for dismissal of this action without prejudice.

IT IS ORDERED:

1. The Motion for Partial Summary Judgment (Filing No. 32) is denied as moot; and
2. Pursuant to Fed. R. Civ. P. 41(a)(1), the plaintiff's cause of action against the defendants is hereby dismissed in its entirety, without prejudice, and with the parties to be responsible for their own costs and attorney fees.

DATED this 6th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge